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8**

**PDF PAGE 2, COLUMN 1
CONLEY TAKEN TO COURT
FOR TRIAL**

PDF PAGE 2, COLUMN 8

**TO
PLEAD**

**GUILTY
AS
AID TO
FRANK**

Two Indictments as Accessory in Phagan Case Pending— Negro Will Deny Felony Charge.

Jim Conley, the State's star witness against Leo M. Frank and an admitted accessory after the fact in the murder of Mary Phagan, was taken from the Tower Wednesday morning to await the calling of his case in the court of Judge Ben H. Hill.

Two indictments were found against Conley by the Fulton County Grand Jury. Both charged him with being accessory after the fact, but one of the indictments involved only a misdemeanor while the other constituted a felony.

Conjecture was aroused as to whether the negro would be found guilty on both counts. William M. Smith, Conley's attorney, indicated before the trial that Conley would plead guilty only on the misdemeanor charge.

A fire point of law is involved in the two indictments. Conley, on his own confessions, was guilty of the misdemeanor by hiding the knowledge of the crime from the officers until he made his admission to the detectives some three weeks after the Phagan girl was slain.

The felony indictment presupposes that Conley did “hide, harbor or conceal” the perpetrator of the crime from the officers of the law. The question arises as to whether Conley, by shielding Frank, as he says he did, was guilty of the felony in the meaning of the law.

In the event that Conley is convicted on one or both of the charges and Frank is given a new trial and acquitted, the anomalous situation will arise of an accessory after the fact without a principal in the crime.

PDF PAGE 3, COLUMN 1

CONLEY GOES TO COURT FOR TRIAL

Negro to Plead Guilty to Misde- Meanor Indictment Charging Aid to Frank in Slaying.

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CONLEY TO GO FREE, SAYS COUNSEL

NEGRO NOT TO PLEAD

TO EITHER CHARGE

**“There’s Not a Ruling
in Law That Would
Apply Against Him,”
Says Attorney.**

“There is no law to convict Jim Conley, and he will go free.”

This statement as made by W. M. Smith, attorney for Conley, the Frank witness and confessed accessory after the fact to the murder of Mary Phagan Wednesday, as the negro sat in an ante-room to Judge Ben Hill’s courtroom awaiting trial on charges of misdemeanor and felony.

Contrary to expectations, Attorney Smith declared that Conley would plead not guilty to both charges. It had been thought that the negro would admit the misdemeanor count at least.

Attorney Smith refused to discuss the technicalities of the case against his client, but persisted that there was no case

against him. Referring to the negro's admissions to complicity in the Phagan murder on the witness stand when he appeared as the star witness against Leo M. Frank, Smith answered:

No Ruling Hits Conley, He Says.

"Well, you search the lawbooks and see if you can find any ruling that would apply against Conley. I will get him out scot-free without trouble."

Two indictments were found against Conley by the Fulton County Grand Jury. Both charged him with being accessory after the fact, but one of the indictments involved only a misdemeanor while the other constituted a felony.

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Conley Still Jaunty.

In the event that Conley is convicted on one or both of the charges and Frank is given a new trial and acquitted, the anomalous situation will arise of an accessory after the fact without a principal in the crime.

Conley did not appear to have been affected by his long almost solitary confinement in the Tower since the Frank trial. He was dressed in the same blue suit which he wore on the witness stand, with the addition of a red necktie. The same blackboard-brimmed felt that was set jauntily on the side of his head. He wore a new shirt and new shoes.

The negro refused to talk to a number of newspaper men who attempted to question him. He would only smile and squint at them, through his shifty eyes.

Frank Case Witness

In Court as Thief.

Gordon Bailey, alias "Snowball," a negro witness in the trial of Leo M. Frank, appeared in the Court of Judge Ben Hill Wednesday in the role of defendant.

Bailey was charged with participating in the robbery of Edward Darden and Len Chapman, two other negroes. Darden said he had been robbed \$2.50 and a watermelon by Bailey and his two accomplices Baily, he said, gave the watermelon back.

Attorney Scott, Bailey's counsel laughed at Darden's victory.

"If he had said that Bailey gave the money back and kept the watermelon one might give it credence, he exclaimed, "but it is past belief that a negro ever would give a watermelon back!"

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PDF PAGE 6, COLUMN 4

**CONLEY
STAR AT
“BULL PEN”
LEVEE**

**Frank Case Witness
Struts Be-**

fore Dusky Admirers and An- nexes Supply of “Makin’s.”

Quite the here of the occasion among his dusky compatriots. Jim Conley held high levee Tuesday in the “bull pen” of Judge Ben Hill’s courtroom in the Thrower Building.

Jim was taken from his cell in the Tower to answer to two indictments, each charging him with being an accessory after the fact in the murder of Mary Phagan in the National Pencil Factory April 26.

As it happened, the pressure of court business was so great that it was impossible to reach Jim’s case and he was permitted the whole forenoon to strut and swell around in the circumscribed confines of the pen.

Trading on his prestige, he soon had his pockets bulging with “makin’s” and will be able to spend his spare nickels for the cake that they sell at the Tower until his supply of tobacco gives out again.

PDF PAGE 17, COLUMN 1

**GAZAN
SURE OF
NEW TRIAL
FOR
LEO M.
FRANK**

**Interview in Savannah
Press De-**

clares Attorney's Visit to Cell Convinced Him.

SAVANNAH, Nov. 12—That Leo M. Frank will get a new trial when his case comes up before the State Supreme Court was the declaration of Simon Gazan, a member of the well known law firm of Twiggs & Gazan, who has just returned from Atlanta, where he visited the pencil factory superintendent in his cell, according to an interview in The Savannah Press.

Mr. Gazan also declared that that public opinion in Atlanta had changed greatly regarding Frank since his conviction. The Press quotes him as follows:

"The ignorant, prejudiced classes, who were happy at the jury's verdict, and would have cheerfully done violence to Frank now meditate upon the scene and simply wonder."

"I feel that I am justified in saying that public sentiment is rapidly changing in Frank's favor. The conservative public now say: 'I don't know'". The mob, heretofore confident of his guilt, now admits a doubt."

Calls Reports Unjust.

"Unfortunately the public formed its opinion from the newspaper reports, which never did Frank justice."

"Frank will get a new trial. There are at least fifty errors of law committed during the trial, any one of which demands the granting of a new trial. It certainly seems as though Providence intervened at the psychological moment and put language into Judge Roan's mouth, as he was about to declare against a new trial. His words alone demand a new hearing of the case. His

remarkable statement was no accident of speech. It was the voice of Roan, but the thought originated on high."

Says Innocence Radiates.

"I saw Frank in his cell last Tuesday. He is a remarkable man. The consciousness of innocence radiates from his every movement, thought and expression. If he was guilty of this heinous crime, God would have indelibly stamped that guilt upon his countenance. It is not there."

"And I want to say a word about Frank's wife. She called while I was visiting her husband. She is a noble woman who has never lost faith in her husband I would rather trust her intuition than Conley's evidence. She has been daily to see her husband."

"It has all given me a new perspective of the case. I now know all the facts. I unhesitatingly say that Frank is a victim, and I can not too emphatically declare my undying faith in his absolute innocence. I would not be surprised to eventually see him vindicated by a Fulton County jury."
